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Summary record of the 1512th meeting
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Chair: Ms. Halperin-Kaddari (Vice-Chair)

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In the absence of Ms. Leinarte, Ms. Halperin-Kaddari (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of Montenegro (CEDAW/C/MNE/2; CEDAW/C/MNE/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Zenka** (Montenegro), introducing his country's second periodic report (CEDAW/C/MNE/2), said that Montenegro was the only country of former Yugoslavia that had managed to avoid the war in the Balkans and preserve interreligious and inter-ethnic harmony. Upon gaining its independence in 2006, Montenegro had set two main foreign policy priorities: to join the North Atlantic Treaty Organization (NATO) and the European Union. Its membership of NATO attested to the progress it had made in the area of the rule of law and the protection of human rights. As a candidate country for membership of the European Union, it attached great importance to fundamental rights, freedom, justice and security.

3. Montenegro was developing an integrated national mechanism to monitor the implementation of the recommendations issued by the United Nations human rights bodies. The Government's diplomatic activities in the field of human rights were centred on promoting accountability for the protection of human rights, underlining the importance of intercultural and interreligious dialogue, preventing discrimination, protecting vulnerable groups, empowering women and girls and protecting freedom of opinion and expression. The text of the Convention on the Elimination of All Forms of Discrimination against Women was available on the website of the Ministry of Human and Minority Rights in both English and Montenegrin.

4. Since submitting its initial report (CEDAW/C/MNE/1), Montenegro had taken steps to improve its legislative and institutional framework for the protection and promotion of human rights. Recent developments included the alignment of the Law on the Prohibition of Discrimination with European legislation in June 2017 and the amendment of the Law on Gender Equality, the Law on the Protector of Human Rights and Freedoms and Montenegrin electoral legislation. However, there was evidence to suggest that many women, Roma, lesbian, gay, bisexual and transgender (LGBT) persons, persons with disabilities and older persons were still marginalized. There was still a need to strengthen the capacity of the country's anti-discrimination institutions and to increase their resources to ensure their effective functioning. The key problems in that area included the insufficient integration of a gender perspective into development policies and inadequate administrative capacity for conducting gender equality-related activities. The Government, in cooperation with various international organizations, conducted continuous training as a means of addressing those challenges.

5. As yet, there was no mechanism in place to monitor and assess compliance with human rights and gender equality standards. However, one of the goals of the new National Action Plan for Gender Equality 2017-2021 was to mainstream gender equality into all policies at the local and national levels. The Government was devoting significant efforts to eliminating discrimination against women, primarily in the economic and political spheres, and to preventing and combating gender-based violence. The strategies adopted to reduce discrimination against vulnerable groups included the strategy for protection against domestic violence for the period 2016-2020 and the strategy for the development of female entrepreneurship for the period 2015-2020.

6. The Government was working to create a legal and political framework capable of providing an adequate response to violence against women and domestic violence, which remained priority issues. An effective and sustainable system for the protection of victims of domestic violence had been established and sustainable measures to combat that phenomenon had been adopted. Efforts to raise public awareness of domestic violence had

led to a significant increase in the number of cases being reported between 2009 and 2014 and pointed to greater public trust in State institutions.

7. The Government attached great importance to the role played by non-governmental organizations (NGOs) in implementing the Convention, and held regular meetings with NGOs working in the fields of gender equality, gender-based and domestic violence, and women's economic empowerment. The Ministry of Human and Minority Rights had completed its annual analysis of the National Action Plan for Gender Equality 2013-2017, which was part of its programme for accession to the European Union. The aim of the analysis was to assess the relevance, efficiency, sustainability and impact of the activities provided for in the strategic documents, identify good and bad practices and provide input for a new strategic document. The analysis showed that Montenegro had made significant strides in the field of gender equality and in aligning its domestic legislation with that of the European Union and the Council of Europe. In the coming period, priority would be given to implementing and raising awareness of legislation and public policies to promote gender equality, tolerance and non-discrimination at the national level. At the local level, cooperation agreements on gender equality had been concluded with all 23 municipalities and the existing network of gender coordinators had been further expanded. To date, 16 municipalities had already adopted gender equality decrees, 12 had established gender equality councils, 11 had adopted local action plans and 7 had earmarked budgetary resources for their implementation. More than 1,700 local government employees had received gender equality training since 2012.

8. The National Council for Gender Equality had been established in October 2016 as an advisory body on matters related to the implementation of gender equality policy at the local and national levels. Its membership included four NGO representatives. The Council had established eight committees to discuss specific gender equality issues.

9. The Government had identified three priority areas: promoting the political participation of women, combating violence against women and promoting women's economic empowerment. The reforms of the electoral system carried out between 2011 and 2014 had served to increase women's political activism. The introduction of 30 per cent quotas for women and penalties for non-compliance in Montenegrin electoral legislation had caused female representation in local elections to grow to 26 per cent and to over 30 per cent in some municipalities. Following the parliamentary elections in October 2016, female representation had grown to around 23 per cent, which was the best result achieved in the history of the Montenegrin Parliament. In the newly formed Government, female representation stood at 21.5 per cent.

10. In recent years, the Government had made significant progress in preventing and eliminating violence against women and in guaranteeing their access to justice, particularly in the areas of awareness-raising and legislation. A recent report on the implementation of the Law on Protection from Family Violence presented results from 2010 to 2015 and included recommendations aimed at further improving protection against domestic violence. Montenegro had been among the first five States to sign the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and had submitted a report on its implementation to the Council of Europe in 2017. At the beginning of 2017, Montenegro had adopted a national plan for the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security, in which it had pledged to incorporate a gender perspective into its security systems.

11. Several institutions had been working to promote the economic empowerment of women on an ongoing basis, given its importance as a development component. The Employment Agency of Montenegro had taken measures to increase women's involvement in employment programmes and training and, in turn, their participation in the labour market. A self-employment programme designed to assist unemployed persons by providing them with financial and professional support offered favourable conditions for women, including a lower interest rate. The Investment Development Fund of Montenegro offered lines of credit to women to encourage them to start or continue their own business. The Fund had invested in 38 projects so far. The European Commission Instrument for Pre-Accession Assistance (IPA) project to support anti-discrimination and gender equality policies, which was carried out by the Ministry of Human and Minority Rights in

cooperation with the United Nations Development Programme (UNDP), had funded continuous education and training activities for women from Nikšić and the capital. Montenegro had also become a member of the Equal Futures Partnership, a multilateral initiative designed to encourage member countries to empower women economically and politically at the global and national levels.

12. Montenegro had made significant progress in aligning its laws and practices with those of the European Union. It would continue to advance policies to protect human rights and foster tolerance and to promote global dialogue by cooperating with other countries in the fight against all forms of discrimination and human rights violations.

Articles 1 to 6

13. **The Chair**, speaking in her capacity as an expert, said that Montenegro was to be congratulated on having adopted a number of key international human rights standards, as well as numerous laws and programmes to combat different forms of discrimination against women. The Committee also noted the significance of the State party's candidacy for membership of the European Union and the strides it had made in the field of women's rights and gender equality as part of the pre-accession process. However, the inadequacy of the mechanisms in place to support the implementation of those standards, laws and programmes and the lack of State funding for that purpose were a serious cause for concern. She did, however, welcome the State party's willingness to recognize its shortcomings.

14. Noting that the State party had failed to provide the Committee with a copy of the amended Law on Gender Equality, she asked whether it contained a comprehensive definition of discrimination, covering direct and indirect as well as multiple discrimination, and of equality. She also wished to know whether the Law provided victims of intersectional or multiple discrimination, who were most often women belonging to vulnerable groups, with the possibility of taking legal action. It would be useful to know whether the Law made specific reference to sexual orientation and gender identity. She asked whether the Law on the Prohibition of Discrimination expressly prohibited gender-based discrimination and made reference to LGBT persons.

15. It was her understanding that, under the State party's monist legal system, the Convention was directly applicable in the national territory. She had therefore been surprised to learn that no cases of gender-based discrimination had been brought during the period between the submission of the State party's report and the end of 2016 and that cases in which Montenegrin judges referred to the provisions of the Convention were not recorded, which pointed to a general lack of awareness of the Convention and the limited impact of any training dispensed. She asked how the State party went about assessing the impact of the training dispensed to members of the judiciary and other public officials.

16. According to the State party's report, the low number of complaints of gender-based discrimination lodged between 2011 and 2015 was likely attributable to the existence of two legal mechanisms for protection and redress prior to the amendment of the Law on Gender Equality, namely the Protector of Human Rights and Freedoms and the Ministry of Human and Minority Rights. She asked whether the number of complaints lodged with the Protector had risen since the amendment of the Law. She would also be interested to know whether the Committee's previous concluding observations (CEDAW/C/MNE/CO/1) had been translated into Montenegrin and made available to the public and to all ministries. The small number of women availing themselves of legal aid was perhaps indicative of a lack of awareness of their rights. The delegation might comment on the accuracy of that observation.

17. **Ms. Pejović** (Montenegro) said that the amended Law on Gender Equality established additional offences, prescribed penalties for perpetrators of gender-based discrimination and clarified the obligation of legal entities to comply with the Law's provisions and to apply gender equality principles. The Law contained an expanded definition of gender equality covering men, women and persons of diverse gender identity. Companies and entrepreneurs were likewise required to adhere to gender equality principles. The Law also provided that the office of the Protector of Human Rights and Freedoms alone was the body competent to deal with cases of direct or indirect gender-based

discrimination, having taken over the functions hitherto discharged by the Ministry of Human and Minority Rights. The Law on the Prohibition of Discrimination and the Committee's previous concluding observations were available on the website of the Ministry of Human and Minority Rights. The Law contained a definition of discrimination which was fully in line with article 1 of the Convention.

18. The amendments to the Law on Gender Equality had brought it into line with European Union Directives on gender equality and covered discrimination based on sexual orientation and gender identity. The Law included harassment and incitement to discrimination in the definition of sex-based discrimination and established mandatory training for staff in various sectors. The Protector of Human Rights and Freedoms was competent to receive complaints of discrimination, which had increased in number over recent years.

19. **Ms. Bandović** said that the Law on Free Legal Aid had been adopted in 2012 and revised in 2015. Under that Law, all citizens were entitled to legal remedy and specific redress was provided for women victims of violence and trafficking. Between 2014 and 2016, the courts had received 88 requests for legal aid from women seeking redress for violence, trafficking or similar offences; 83 of the requests had been granted. The new Strategy for Reform of the Judiciary set out guidelines to increase transparency in the judiciary and expand legal aid. In addition, a brochure had been published by the Association of Judges, available on the courts' websites, and media campaigns on the subject had been launched.

20. **Ms. Radošević-Marović** said that the 2014 Law on Anti-discrimination prohibited discrimination based on gender identity. A recent amendment to that Law extended coverage to intersex persons and provided for means-tested fines for discrimination, which had a deterrent effect. The Law designated the Protector of Human Rights and Freedoms as the national mechanism for protection against discrimination and set out the procedures to be taken by the Protector in discrimination cases. The Protector was competent to deal with cases relating to individuals, not only legal entities, and to instigate court proceedings and come before the court in cases relating to individuals. In 2016, the Protector had received around 150 cases, which was a dramatic increase on the previous year, when just over 80 complaints had been lodged. Other measures to combat discrimination included awareness-raising with regard to negative stereotypes, training for the police and the judiciary, and media campaigns on victim protection. With regard to LGBT persons, the Government was conducting surveys to monitor discrimination in the country, the Strategy for Improving the Quality of Life of LGBT Persons had been adopted in 2013, and statistics were available online concerning prosecutions of cases of discrimination against LGBT persons. In four recent cases, prison sentences had been handed down to the offenders. Owing to a greater trust in the authorities from the LGBT community, there had been an increase in the number of reports of discrimination against LGBT persons.

21. **Ms. Manalo** said that, particularly in view of the upcoming accession of Montenegro to the European Union, the State party should compile gender-disaggregated statistics. She asked for information on the gender equality index, including on whether it included sex-disaggregated data to measure improvements in gender equality and the status of women in all the State party's national and local programmes.

22. **The Chair**, speaking in her capacity as an expert, asked whether the cases handled by the Protector of Human Rights and Freedoms were categorized according to the specific legal provisions on which they were based. She asked whether transgender persons were still required by law to undergo procedures, such as sterilization, prior to obtaining legal gender recognition and changing sex markers in official documentation. She requested further information on the case of a transgender woman who, despite the legal provision allowing transgender persons to choose their names, had been denied that possibility and obliged to choose a gender-neutral name. She would also like to hear the delegation's comments on reports that recently adopted Government proposals limited the organization and financing of NGOs.

23. **Ms. Pejović** (Montenegro) said that under the Law on Gender Equality, all public bodies were required to collect gender-disaggregated data and were subject to a fine if they

failed to comply. The Ministry of Human and Minority Rights and the Statistical Office of Montenegro published a brochure every two years giving a picture of gender equality in the country, and had signed a memorandum of cooperation on the gender equality index. The index measured equality in areas such as skills, money and health. Information based on the index would be compiled and published further to receiving data from Eurostat by the end of 2017.

24. **Ms. Radošević-Marović** (Montenegro) said that the Protector of Human Rights and Freedoms kept statistical records on cases involving all forms of discrimination against women. The case of the transgender woman who had been denied the possibility of choosing her own name was an exceptional example of a breach of the law; in other cases, the courts had ruled in favour of the claimants.

25. **Ms. Klikovac** (Montenegro) said that the gender reassignment protocol, which had been in force since 2014, was in line with national legislation on medical criteria for sex reassignment. The Law on Health Protection also provided for gender identity issues. Medical procedures for gender reassignments were initiated by family doctors and carried out by specialist and plastic surgeons. Minors under 16 years of age were not entitled to apply for treatment; persons between 16 and 18 years of age could apply with the consent of a parent or proxy. The State funded 80 per cent of any given gender reassignment procedure, with the patient paying the rest. The Ministry of Health had signed a memorandum of cooperation with NGOs working in the area of LGBT rights, which had not contested the protocol. To date, there had been official recognition of one transgender person in the State party.

26. **Ms. Radošević-Marović** (Montenegro) said that following the adoption of legislation governing the financing of NGOs, a centralized financing model had been put in place for allocating resources from national and local budgets. The new registration procedures for NGOs had resulted in a decrease in registrations, which had previously reached 15,000. It was hoped that new regulations to be adopted shortly would remedy that situation.

27. **Ms. Leinarte** asked whether sufficient financial resources were in place to give effect to the action plans and other measures under the gender equality policies at the local level. She asked what the role of the National Council for Gender Equality was in relation to the national framework on gender equality and the Ministry of Human and Minority Rights, and how it was funded. She requested more information on gender budgeting in the State party and on the withdrawal from the labour market of many thousands of women following regulatory changes to the welfare system which offered benefits for women who stayed at home. She would like information on the parliamentary committee for gender equality. Did it function as a women's parliamentary group, which was effective in producing changes from a gender perspective, raising awareness and enforcing gender equality policies?

28. **Ms. Pejović** (Montenegro) said that memorandums of understanding had been signed with all 23 municipalities in the State party to implement gender equality policies and coordinate the development of gender equality mechanisms at local government level. Assessments of the work based on those memorandums had been carried out by an external evaluator, whose final report, compiled with the support of the Organization for Security and Cooperation in Europe (OSCE) mission to Montenegro, would be published shortly. Decisions and local action plans on gender equality were in place in numerous municipalities, including in the capital, which was home to half of the national population. Training was being further developed for the coordinators for gender equality in the municipalities and a seminar on gender budgeting had been held in 2017. The Ministry of Human and Minority Rights and the OSCE mission provided financial support for the development and implementation of local action plans. Continuous training on gender equality had been provided to around 1,700 local government officials between 2012 and 2017. Municipal budget allocations for the local action plans were increasing year on year, and 7 of the 23 municipalities currently had available funds for the implementation of those plans. The Law on Gender Equality required all public authorities to adopt a gender perspective in decision-making processes, with the aim of mainstreaming gender equality and equal opportunities in all strategies and measures at the local and national levels. Those

actions would be assessed within the framework of the evaluation of the National Action Plan for Gender Equality 2017-2021. The outcomes of the 2013-2017 National Action Plan had been subject to a wide-ranging external assessment, covering data, the legislative and institutional framework, cost and impact, in cooperation with UNDP and the IPA II project on support for anti-discriminatory and gender equality policies, and with the involvement of all stakeholders. The assessment had shown that while national legislation was aligned with international obligations, there were obstacles to its effective implementation.

29. The National Council for Gender Equality was a newly created advisory body whose members comprised representatives of State institutions and NGOs. Its role was to analyse rules and regulations from a gender perspective, including through thematic working groups. Members of the Council did not receive any remuneration.

30. **Ms. Nadaraia** said that, in view of the fact that women now accounted for 23 per cent of members of parliament, she wished to know whether the State party intended to amend the legislation to introduce gender quotas of 40 per cent at both local and national levels of administration. She also wondered whether the State party planned to conduct awareness-raising campaigns to promote the use of temporary special measures in other areas of life where women were underrepresented or disadvantaged or faced major discrimination. Similarly, she would like to know whether any temporary special measures were envisaged for vulnerable groups of women, such as rural women, women with disabilities and Roma and Egyptian women. Lastly, she asked how many women had benefited from the interest-free loans of the Investment Development Fund.

31. **Ms. Pejović** (Montenegro) said it was true that changes to the electoral law in 2014 had helped increase the proportion of women in parliament. Moreover, in some municipal governments the 30 per cent gender quota had already been met, which was a major step forward for Montenegro. In that light, the Government had now set itself a target of achieving a gender quota of 40 per cent by 2020. Further amendments to the electoral law were in the pipeline, as were campaigns to increase women's participation at all political levels. Efforts to ensure that the process of nominating judges was more gender-sensitive had also been successful; several women were now occupying high-level positions, including the presidency of the Supreme Court.

32. A number of measures had been included in national strategies and plans with a view to promoting equal opportunities and fostering women's participation in areas of life in which they were underrepresented. For example, the 2015 strategy for the development of women entrepreneurship contained measures and incentives designed to encourage women's economic empowerment. Awareness-raising and training had been conducted in that regard in cooperation with UNDP and the European Commission. The Investment Development Fund, which provided start-up and business-improvement loans at interest-free rates, had only been established in 2017 and thus no data were currently available on the number of women who had benefited from interest-free loans.

33. **Ms. Racković** (Montenegro) said that, with the aim of supporting agricultural production, the Ministry of Agriculture and Rural Development had put in place around 40 different support measures, many of which had a direct impact on women. The current budget for those measures was €31 million, up by 40 per cent from the previous year. Additional funding was also available through an IPA project. Since 2013, hundreds of projects, including projects headed up by women, had successfully applied for grants under those support measures. In fact, the points-based application process awarded extra points to applications from women.

34. **Ms. Filipović** (Montenegro) said that the Gender Equality Committee was one of 14 parliamentary committees and comprised men and women parliamentarians alike. There was also a group for women parliamentarians in which all women members of parliament were actively involved, irrespective of their political party.

35. Regarding women in business, in addition to the Investment Development Fund, local governments also offered loans and grants to women's enterprises. Such initiatives were particularly important because one of the greatest obstacles to women's entrepreneurship was the fact that they did not own property and thus could not provide any collateral in order to take out bank loans.

36. **Mr. Bergby**, referring to an April 2017 decision of the Constitutional Court in which the amendments to the Law on Social and Child Protection had been ruled unconstitutional, said that he would welcome an update on the current state of play, since upwards of 15,000 women had taken up the so-called lifetime benefits for mothers of three or more children introduced by those amendments. In particular, he wished to know how the Government intended to help reintegrate into the labour market the estimated 5,000 women who had left formal employment to claim those benefits. Moreover, in the light of the Court's decision, he wondered whether the State party intended to ensure that gender impact assessments of legislation were conducted in future.

37. **Ms. Leinarte** said that she would be interested to know what had prompted the Government to introduce the lifetime benefits in the first place.

38. She wondered whether any measures were in place to assess why so many of the complaints of gender-based discrimination received by the Protector of Human Rights and Freedoms during the period 2011-2015 had been dismissed.

39. **Mr. Ratković** (Montenegro), giving an overview of the amendments made to the Law on Social and Child Protection, said that the lifetime benefit had initially been envisaged to provide up to €15 million in support to an estimated 5,000 mothers who had three or more children and who had been employed or registered as unemployed for 15 years. However, since the introduction of the benefit on 1 January 2016, some 22,000 women had applied for it; many of them had deferred their pension payments, given up their unemployment benefits or left the labour market in order to be eligible. The fiscal burden had been enormous: in just one year, the cost to the State of paying the lifetime benefit had reached almost €70 million, exceeding the €63 million allocated to all other social welfare benefits combined. Notwithstanding the decision of the Constitutional Court, it was clear that the initiative was not only ill conceived but also unsustainable. Moreover, it represented a retrograde step in terms of the advancement of women. The Government was now taking all possible steps to ensure that no woman would be left worse off as a result of the withdrawal of the benefit. For example, retired women or women registered as unemployed would have their pension payments or unemployment benefits reinstated. Women who had left formal employment would be entitled to monthly payments, calculated on the basis of the salary they had earned in the three months prior to leaving employment, for a specified period of time while they looked for work.

40. **Mr. Zenka** (Montenegro) said that, although well intentioned, the introduction of the lifetime benefit for women had proved to be a costly mistake. As a consequence, many thousands of women at peak working age had left the labour market, while other women in vulnerable situations had not even been eligible to apply. The Government had recognized its mistake and was now working hard to mitigate the consequences of the error and its impact on the labour market.

41. **Ms. Radošević-Marović** (Montenegro) said that, while the office of the Protector of Human Rights and Freedoms was an independent institution, it did submit reports to parliament on cases of discrimination handled not only by itself but also by the police, the courts and the labour inspectorates. The Protector's report therefore almost served as a database of discrimination cases. According to the report, there had not been any cases of gender-based discrimination before the courts, which might be explained by the fact that the indicators only covered discrimination based on gender identity rather than on sex.

42. **Ms. Manalo** said that she wished to know what specific measures were being taken by the State party to tackle the patriarchal attitudes, traditional gender roles and "cult of motherhood" that were still so prevalent in Montenegrin society. She would be interested to know what funding had been allocated to implement the National Action Plan for Gender Equality 2013-2017, which institutions were responsible for its implementation, and what results and obstacles had been identified by the relevant monitoring body.

43. She asked what action had been taken or was envisaged to amend or repeal the various discriminatory provisions in force that favoured boys over girls, such as the fact that daughters could not inherit or the increasing popularity of sex-selective abortions. She would like to know whether any legislation was in place to prohibit sexual harassment in the workplace. Lastly, referring to paragraphs 22 to 25 of the replies to the list of issues, she

would be interested to know the results of the various initiatives to address negative stereotypes.

44. **Ms. Gabr** said that the Government of Montenegro was to be commended for identifying violence against women as one of its priority issues in the area of gender equality and for implementing a strategy to tackle domestic violence, addressing the issue of gender stereotyping, monitoring implementation of the Law on Protection from Domestic Violence, adopting amendments to family law to prohibit all forms of violence against children, and adopting the Istanbul protocol. She was also pleased to note that public awareness of the problem of domestic violence was growing.

45. The Committee wished to know why the Criminal Code had not yet been amended to make lack of consent the prime consideration in the definition of rape; what mechanisms were in place to assist victims of violence; whether the Government planned to set up shelters for victims; and what steps were being taken to ensure that domestic violence was not seen merely as a private matter, especially in the Roma and Egyptian communities. The Committee would welcome further information on the strategy on protection from family violence mentioned in the State party report.

46. Noting that the sentences handed down in cases of domestic violence appeared to be excessively lenient, she asked what plans were in place to ensure that those working in the justice system took the question of domestic violence seriously. Lastly, she asked what measures were being taken to ensure that the language barrier did not prevent ethnic minority victims of violence from accessing justice, whether the Government intended to support the services provided by NGOs and what measures were being taken to ensure that court decisions on payment of child support were implemented.

47. **Ms. Haidar** said that the State party was to be commended on its efforts to tackle the problem of trafficking in persons, which included subsidizing shelters run by NGOs, establishing the Office for Fighting Trafficking in Human Beings, adopting an action plan to implement anti-trafficking strategies, stepping up cooperation with foreign Governments and reaching an agreement with the Governments of Albania and Kosovo to adopt uniform strategies for identifying and supporting victims of trafficking. However, she was concerned about reports that the Government of Montenegro did not meet minimum international standards on combating human trafficking as, for the second consecutive year, it had failed to convict any individuals of that crime and had tried several potential cases of trafficking as lesser crimes. Fewer victims of trafficking, and no victims of sex trafficking, had been identified, which meant that victims were not receiving compensation. Noting that women and girl members of the Roma Ashkali and Egyptian communities were particularly vulnerable to trafficking, she asked what measures were being taken to address the gap between anti-trafficking legislation and policies and their implementation. She asked whether civil society organizations and the media would be involved in plans to raise public awareness of the problem of human trafficking; whether law enforcement officers would be trained to identify and protect victims of trafficking; what steps were being taken to increase the screening of potential victims of trafficking, especially children engaged in begging and women working as prostitutes; and whether victims of trafficking were able to participate in prosecutions in a manner that did not expose them to any risk. The Committee would welcome further information on the number and location of shelters for victims of trafficking.

48. The Committee wished to know whether the Government had any information on the extent of prostitution in Montenegro and whether the growing tourism industry increased the demand for prostitutes. It would also welcome information on the number of women who had been convicted of prostitution, the number of men who had been convicted of pimping and the sentences they had received. She asked whether measures were being taken to enable women engaged in prostitution to find alternative livelihoods and whether they had access to health-care and social services. She was concerned that certain traffickers had received excessively lenient sentences because they had been charged with brokering in prostitution, in one case, and migrant smuggling, in another. She also expressed concern over the impact on future cases of the Government's failure to investigate accusations of involvement in trafficking made against a high-level official. What steps would be taken to ensure that perpetrators of the crime of trafficking and

exploitation would be investigated, prosecuted and convicted in accordance with article 444 of the Criminal Code and international standards?

49. **Ms. Klikovac** (Montenegro) said that women were no longer discriminated against in relation to the ownership and inheritance of property.

50. The 2009 law on abortion stipulated the conditions under which abortions could be performed and prohibited sex-selective abortions.

51. Access to health-care services was available to women engaged in prostitution who were Montenegrin nationals or nationals of States with which the Government had established agreements on social insurance. Nationals of other States who were in Montenegro on a temporary basis were entitled to receive emergency health care, for which the health authorities in their country of origin would be invoiced. The Public Health Institute and other health-care providers made HIV-testing available to women engaged in prostitution.

52. **Mr. Kuševija** (Montenegro) said that plans were in place to ensure that, in accordance with the Law on Social and Child Protection, NGOs which ran shelters for women victims of violence were able to become licensed, State-funded providers of the services in question. The system would be regulated to ensure that no victim could be admitted to, or leave, a shelter without the consent of a social work centre. The State already contributed to the running costs of shelters provided by the local authorities in Podgorica and Nikšić.

53. In cases involving the provision of child support to single mothers, the social work centres assessed the available evidence, including any decisions handed down by the courts. Single mothers who had initiated court proceedings because the father of their child had failed to pay child support were entitled to receive financial support from the State.

54. **Ms. Pejović** (Montenegro) said that the Ministry of Human and Minority Rights continuously implemented educational and training activities aimed at addressing and overcoming gender stereotypes. The Ministry published brochures and leaflets, in Montenegrin and Albanian, which addressed discriminatory attitudes towards women belonging to ethnic minorities and women facing intersectional discrimination. One such leaflet, published in the Roma language and in Albanian in 2015, contained details of how women victims of domestic violence could obtain assistance and protection. In 2016, a television spot intended to draw attention to the link between gender stereotyping and gender-based violence had been broadcast in Montenegrin, Albanian and English on 12 television stations. Efforts were made to ensure that the media took the principle of gender equality into account in their programming. The "Gender Mirror" initiative had been established to assess media depictions of women, which were often unsatisfactory in that they upheld traditional gender stereotypes. A European Union-funded study, conducted in conjunction with UNDP, had found that some journalists were not sensitive to the issue of gender equality and that women were underrepresented in the media, particularly in sports programmes. However, sections of the media, led by the public broadcaster, were paying increasing attention to the notion of gender equality. For example, a television spot dealing with the economic empowerment of women had been broadcast to encourage women to become involved in entrepreneurial activities.

55. **Ms. Bandović** (Montenegro) said that, in handing down sentences to people traffickers, the courts were obliged to remain within the limits established by the Code of Criminal Procedure and the Criminal Code. While it was true that such sentences were often lenient, judges had recently been advised to hand down heavier sentences, in an effort to deter potential perpetrators from committing offences and encourage women to bring cases before the courts.

56. **Ms. Ivanović-Derić** (Montenegro) said that a workshop on trafficking had recently been organized by the Office for Fighting Trafficking in Human Beings, in conjunction with OSCE, to draft guidelines on impunity in cases of trafficking in persons, in compliance with article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings.

57. **Ms. Đonaj** (Montenegro) said that trafficking in persons, which was usually linked to sexual exploitation, had been sanctioned as the most extreme form of exploitation. In 2016, the police had recorded two cases of mediation in prostitution. The criminal investigation police had a special unit to fight organized crime and corruption and a specialized group to fight trafficking in persons and illegal migration. The Police Directorate had established an anti-trafficking plan and had put in place methods for identifying victims, potential victims and trafficking hotspots. The Government received support from other countries in its efforts to combat trafficking in persons. Organized sexual exploitation, which increased in the summer months, was usually associated with nightclubs. There had been one case of mediation in prostitution in 2013, five cases in 2014 and two cases in 2015. Individuals who engaged in mediation and prostitution tended to operate on their own rather than in the organized gangs that were the main target of criminal investigations.

58. **Ms. Pejović** (Montenegro) said that shelters were available for victims of trafficking.

59. **Mr. Gjokaj** (Montenegro) said that the Ministry of Human and Minority Rights, in accordance with the "Roma Integration 2020" strategy, cooperated with Roma NGOs and the Roma Council to enable Roma to integrate fully in society while preserving their own cultural characteristics. Efforts had been made to register members of the Roma community and a strategic document on the integration of that community had been adopted. The integration of the Roma and Egyptian communities had been monitored and evaluated and efforts would be made to eliminate the stereotyping of those communities and to prevent violence against Roma women. The Centre for Roma Initiatives campaigned to end arranged marriages, forced marriages and child marriages. Together with the Ministry of the Interior, the Office for Fighting Trafficking in Human Beings and municipalities with significant populations of Roma, the Ministry of Human and Minority Rights had taken steps to combat domestic violence, forced marriage and child marriage. Parents, activists and representatives of local governments had been trained and issued with brochures published in the Montenegrin, Albanian and Roma languages. Efforts were made to ensure that Roma children were enrolled in the education system, as educated persons were better able to defend and uphold their rights. Equal numbers of Roma boys and girls were enrolled in schools and universities.

60. **Ms. Gabr** asked whether a hotline was available to victims of violence and what measures were being taken to ensure that legal aid was being used effectively.

61. **Ms. Haidar** said that, although the State party had made significant efforts to tackle trafficking in women and the exploitation of prostitution, she was concerned to note that the Committee had received no information on court cases involving those offences.

62. **Ms. Leinarte** said that she was concerned to note that certain legal provisions made it possible for child marriage to be used as a cover for the crime of trafficking in persons. Noting that, according to the State party report, victims of trafficking had 90 days in which to decide whether or not they wished to cooperate with the police, she asked whether protection would still be available to those victims who decided not to do so. Lastly, she asked whether the delegation was aware that the majority of women engaged in prostitution, particularly among the Roma community, were driven to do so by economic hardship, drug dependency and a lack of education.

The meeting rose at 1.05 p.m.